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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 ZUFFA, LLC, a Nevada limited liability
company,

12 Plaintiff,
13

14 v.

15 fightufc.com, ufcbouts.com,
ufcsupplements.com, ufcvideo.tv,

16 Defendants.
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CASE NO. 2:09-cv-00590-JCM-LRL

FIRST AMENDED COMPLAINT

18 Pursuant to Fed. R. Civ. P. 15(a), Plaintiff Zuffa, LLC hereby amends its Complaint and
19 alleges as follows:

20 **NATURE OF THE CASE**

21 This is an in rem action against the <fightufc.com>, <ufcbouts.com>,
22 <ufcsupplements.com>, and <ufcvideo.tv> domain names (the “Defendant Domain Names”)
23 based on the Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d). Plaintiff seeks
24 preliminary and permanent injunctive relief and the transfer of the registrations of the Defendant
25 Domain Names.
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2. This Court has in rem jurisdiction over the Defendant Domain Names pursuant to 15 U.S.C. § 1125(d) and 28 U.S.C. § 1655 and interpretive case law. Upon information and belief, the Court cannot exercise personal jurisdiction over the registrants of the Defendant Domain Names, as the registrants are located outside of the State of Nevada and/or the registrants' websites are not interactive. As a separate and independent basis for in rem jurisdiction, upon service of this Complaint upon the registrars of the Defendant Domain Names, the registrars will deposit the Defendant Domain Names into the registry of the Court. In addition, the situs of the Defendant Domain Names are, or will be, in this judicial district where the owner of the trademark contained in the Defendant Domain Names is located.

3. Venue is proper in the United States District Court for the District of Nevada under 28 U.S.C. §§ 1391(b) and 1391(c). Venue lies in the unofficial Southern division of this Court.

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5. Upon information and belief, Defendant Domain Name <fightufc.com> is an Internet domain name registered by Todd Weider, who resides in Ft. Lauderdale, Florida.

7. Upon information and belief, Defendant Domain Name <ufcsupplements.com> is an Internet domain name registered by Jeremiah Knopp, who resides in Bryan, Texas.

8. Upon information and belief, Defendant Domain Name <ufcvideo.tv> is an Internet domain name registered by Digital Mediums, LLC, who resides in Honolulu, Hawaii.

1 **ALLEGATIONS COMMON TO ALL COMPLAINTS**

2 9. Zuffa, LLC does business as the Ultimate Fighting Championship® (“UFC®”)
3 brand, both registered trademarks. Zuffa is a private company that promotes Mixed Martial Arts
4 (“MMA”) contests or exhibitions.

5 10. MMA contests involve bouts between athletes skilled in the various disciplines of
6 all martial arts including karate, jiu-jitsu, boxing, kick-boxing, grappling, wrestling and other
7 combat sports.

8 11. The UFC name and logo are trademarks that are owned by Plaintiff and registered
9 on the Principal Register of the United States Patent and Trademark Office, including, among
10 others:

11 a. UFC and design: Registration No. 2,706,754 for entertainment services,
12 namely, development, organization and production of competitions, performances
13 and events featuring sports and entertainment; educational services, namely,
14 providing information on the subject of sports and entertainment; and
15 b. UFC: Registration No. 2,645,312 for entertainment services, namely
16 production of martial arts competitions, events, and information,
17 (collectively, the “UFC Marks”).

18 12. These federal trademark registrations have not been abandoned, canceled, or
19 revoked. Moreover, these federal registrations have become incontestable through the filing of
20 Section 8 and 15 affidavits in the Patent and Trademark Office.

21 13. Since 1993, Plaintiff and its predecessors-in-interest have continuously used the
22 UFC® Marks in connection with advertising and promoting the UFC® brand in the United States
23 and around the world. Plaintiff and its predecessors-in-interest have spent millions of dollars to
24 advertise and promote the UFC® Marks in print, broadcast media, and on the Internet through the
25 UFC® website accessible throughout the United States and around the world at <ufc.com>,
26 among others.

1 14. Plaintiff televises many of its MMA contests through pay-per-view, cable and
2 satellite television channels within the United States and around the world. In addition,
3 substantial UFC® content, such as UFC® Unleashed, UFC® Fight Night, and UFC® All Access,
4 is featured on the Spike TV cable television channel, a channel that is available in over 90
5 million U.S. households.

6 15. Plaintiff, through its website, offers for sale video downloads of MMA contests
7 through its UFC® Vault service. This download service is an important source of income for
8 Plaintiff.

9 16. Plaintiff, through its website, offers free video, audio and photo downloads of
10 certain MMA contests through its multimedia page.

11 17. Plaintiff, through its website, offers for sale numerous products including, but not
12 limited to, nutritional supplements, DVDs, books, and apparel. This online store is an important
13 source of income for Plaintiff.

14 18. In addition, Plaintiff has made extensive use of the UFC® Marks on, among other
15 things, signage, wearing apparel, souvenirs and promotional materials.

16 19. Based on its federal trademark registrations and extensive use, Plaintiff owns the
17 exclusive right to use the UFC® Marks in connection with MMA contests or exhibitions and
18 related goods and services.

19 20. The UFC® Marks have become distinctive and famous in the United States and
20 around the world for MMA contests or exhibitions and related goods and services.

21 21. On or about February 12, 2007, Todd Weider, upon information and belief,
22 registered the <fightufc.com> domain name with GoDaddy.com, Inc., a registrar of domain
23 names. This domain name contains the UFC® Marks.

24 22. On or about June 3, 2007, Jonathan Abel, upon information and belief, registered
25 the <ufcbouts.com> domain name with Melbourne IT, Ltd., a registrar of domain names. This
26 domain name contains the UFC® Marks.

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1 23. On or about July 4, 2007, Jeremiah Knopp, upon information and belief,
2 registered the <ufcsupplements.com> domain name with 1 & 1 Internet AG, a registrar of
3 domain names. This domain name contains the UFC[®] Marks.

4 24. On or about June 8, 2007, Digital Mediums, LLC, upon information and belief,
5 registered the <ufcvideo.tv> domain name with GoDaddy.com, Inc., a registrar of domain
6 names. This domain name contains the UFC[®] Marks.

7 25. By registering and using the Defendant Domain Names containing Plaintiff's
8 trademarks, the registrants of the Defendant Domain Names were and are attempting to trade on
9 the goodwill of Plaintiff.

10 26. Upon information and belief, the Defendant Domain Names were registered with
11 the bad faith intent to profit from Plaintiff's marks.

12 27. The Defendant Domain Names were registered without the consent of Plaintiff.

13 28. Upon information and belief, the registrants of the Defendant Domain Names
14 have no trademark or other intellectual property rights in the Defendant Domain Names.

15 29. Upon information and belief, the registrants of the Defendant Domain Names
16 have no prior use of the Defendant Domain Names in connection with the bona fide offering of
17 any goods or services.

18 30. Upon information and belief, the registrants of the Defendant Domain Names
19 made no bona fide non-commercial or fair use of the Defendant Domain Names in a site
20 accessible under the domain names.

21 31. Upon information and belief, the registrants of the Defendant Domain Names did
22 not believe or have reasonable grounds to believe that the use of the Defendant Domain Names
23 was a fair use or otherwise lawful.

24 **COUNT I**
25 (Cybersquatting
 Under the Lanham Act, 15 U.S.C. § 1125(d))

26 32. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
27 forth herein.

33. The registrants of the Defendant Domain Names have registered, trafficked in, and/or used domain names that are identical or confusingly similar to Plaintiff's UFC® Marks.

34. Upon information and belief, the registrants of the Defendant Domain Names have or have had a bad faith intent to profit from the UFC® Marks.

35. As a direct and proximate result of such conduct, Plaintiff has suffered and will continue to suffer, monetary loss and irreparable injury to its business, reputation and goodwill.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

A. A preliminary and permanent injunction requiring the domain name registrar to transfer the registrations of the Defendant Domain Names to Plaintiff; and

B. All other relief to which Plaintiff is entitled.

DATED: May 27, 2009.

LEWIS AND ROCA LLP

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